

ONEIDA JUDICIARY
Tsi nu téshakotiya?tolétha?

TRIAL COURT

**Oneida Nation / Oneida Police Department,
Plaintiffs;**

v.

Case No: 24-CT-028

Date: July 16, 2024

**Spencer A. Cornelius,
Defendant.**

FINAL JUDGMENT AND SATISFACTION

This case has come before the Oneida Trial Court, Honorable Patricia Ninham Hoeft presiding.

BACKGROUND

On June 28, 2024, Defendant was issued a dangerous animal determination letter and a citation for allegedly violating the Oneida Nation's Domestic Animals law, Oneida Code of Laws (O.C.L.) 304.10, Dangerous Animals. On July 2, 2024, Defendant filed with the Trial Court a written objection to the dangerous animal determination that resulted in an automatic stay on the requirement to remove the dog from the Oneida Reservation until a hearing on the matter is concluded. Additionally, Defendant filed a written motion asking the Court to schedule the determination hearing on a date after he returns from vacation. On July 5, 2024, the Court granted Defendant's request to schedule the hearing outside of the fourteen (14) day requirement when a challenge to a determination hearing must be held. The hearing was scheduled on July 17, 2024. On July 15, 2024, the parties filed a written stipulation and agreement for the Court's approval.

FINDING OF FACTS

The Court finds as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. All entitled to notice received notice.
3. On June 28, 2024, the Oneida Police Department issued

Defendant a dangerous animal determination letter and citation for allegedly violating O.C.L. 304.10-1(b), Dangerous Animals – 1st offense, \$500.00 fine plus \$25.00 court costs.

4. On July 5, 2024, Defendant filed a written statement with the Trial Court to contest the dangerous animal determination and the citation. Additionally, Defendant filed a written motion requesting the dangerous animal determination hearing to be scheduled on a later date. The Court granted the motion, and the hearing was scheduled on July 17, 2024.
5. On July 15, 2024, the parties filed a written stipulation and agreement to the Court for approval. The parties agreed to the following:
 - a. Plaintiffs' attorney described, in a letter filed with the Court, that she interviewed the owner of the other dog involved in the incident and found that the incident was resolved by the owners of each dog.
 - b. Plaintiffs' attorney agreed to amend the citation by dismissing the dangerous animal determination and citation for allegedly violating O.C.L. 304.10-1(b), and replacing it with a citation for violating O.C.L. 304.6-2. *Rabies Vaccinations Required* – 1st offense and reduce the fine to \$25.00 fine.
 - c. Defendant agreed to enter a plea of ADMIT for violating O.C.L. 304.6-2.
 - d. Defendant signed and filed with the Court the Acknowledgement of Rights form.
6. On July 15, 2024, the Court received \$25.00 from Defendant for payment of the fine. Court costs were not applicable because Defendant paid the fine before the hearing on July 17, 2024.

PRINCIPLES OF LAW

Oneida Code of Laws Title 3. Health and Public Safety - Chapter 304, Domestic Animals

304.6-2. *Rabies Vaccinations Required*. An owner shall be required to obtain a rabies vaccination for any dog or cat five (5) months of age or older.

Oneida Code of Laws Title 8. Judiciary - Chapter 807 Citations

807.5. Stipulations

807.5-1. Authority for Stipulations and Case Settlement. An authorized attorney of the Nation is granted the discretion to seek the settlement of a citation.

(a) When seeking to enter into a stipulation the authorized attorney shall explain to the defendant all provisions included in the stipulation as required by section 807.5-2(a)-(d).

807.5-2. Form of Stipulation. Any stipulation between an authorized attorney and the defendant shall be in writing and signed. The stipulation shall include the following:

- (a) A summary of the citation violation information included on the citation;
- (b) The details of the stipulation including any fine, penalty, condition, or payment plan the defendant shall comply with;
- (c) A statement that by entering into the stipulation the defendant is admitting that he or she committed the act for which the citation was issued or is entering a plea of no contest and thereby waives his or her right to contest the citation with the Court; and
- (d) A statement that all parties signed the agreement free of duress and coercion.

807.5-3. Submission of the Stipulation to the Court. If the authorized attorney and defendant reach an agreement through the stipulation, the stipulation shall be submitted to the Court for the Court's approval.

- (a) If the Court enters an order approving the stipulation as written, a copy of the order shall be provided to the authorized attorney and defendant.

ANALYSIS

On July 5, 2024, Defendant filed a written statement to contest a dangerous animal determination and citation issued to him on June 28, 2024, by the Oneida Police Department. A July 17, 2024 hearing was scheduled. Prior to the hearing, Plaintiffs' attorney and Defendant came to an agreement and stipulation that they filed with the Trial Court on July 15, 2024. Attached to the stipulation was a cover letter from Plaintiffs' attorney describing her interview with the owner of the other dog involved in the incident. The incident took place on May 11, 2024 when Defendant's dog was accused of biting the owner of another dog when the owner tried to separate their dog and Defendant's dog. Plaintiffs' attorney reported that the incident was resolved by the owners of each dog. Thus, the Court finds the stipulation and agreement reasonable and approves it. Because the parties resolved the matter with a stipulation and Defendant paid the fine before the hearing, court costs will not apply. Therefore, Defendant satisfied the conditions of the stipulation and this case is closed.

ORDER

1. The written Stipulation and Agreement, as incorporated in this order, is APPROVED.
2. The Court accepts Defendant's plea of ADMIT to violating O.C.L. 304.6-2. *Rabies Vaccinations Required*, and the Court finds Defendant GUILTY.
3. Defendant paid all amounts due as described below:
24-CT-028, O.C.L. 304.6-2. *Rabies Vaccinations Required*
Fine \$25.00
Court costs \$ 0
Amount owed and paid by Defendant \$25.00
4. Defendant satisfied all conditions of the stipulation, and this case is closed.
5. The hearing on July 17, 2024 is removed from the Trial Court calendar.

IT IS SO ORDERED.

By the authority vested in the Oneida Judiciary pursuant to Resolution 01-07-13-B of the General Tribal Council, this Order was signed on July 16, 2024.



Patricia Ninham Hoeft, Trial Court Judge